

**Town of Foxborough
Conservation Commission Minutes
February 25, 2013**

Members Present: Robert Boette (Chair), Eric Nelson (Clerk), Judith Johnson, James Marsh and Valerie Marshall

Members Absent: Allan Curtis (Vice Chair), Douglas Davis

Staff Present: Jane Sears Pierce, Conservation Manager and Lee Ann Tavares, Secretary

Others Present: See attached sign-in sheet

Meeting Opened

Bob Boette opened the meeting, held in the Andrew A. Gala Jr. Meeting Room, at 7:00 p.m.

Discussion – Foxboro Cable Access Show

Shannon Sylvia from Foxboro Cable Access was present and offered to produce an informational program for the Commission. She suggested a walking tour or an area of interest. The program will air on the Access Channel as well as YouTube. The format is open but Ms. Sylvia expressed interest in the Lincoln Hill property on Oak Street. Judi suggested filming the vernal pool workshop and Val suggested the Earth Day celebration. Bob and other's expressed interest in showcasing conservation properties. Judi will contact Ms. Sylvia about potential projects.

Neponset Reservoir Management Program Update

Rick Lewis, Mary Peterson and Kim Mellen of the NRRC, with their representative Michael Lennon from Aquatic Control Technology (ACT) attended the meeting to give the Commission an aquatic weed treatment update for the Reservoir's recent water treatments. Their Annual Report and plans for the upcoming year will be available shortly. Mr. Lennon explained that they had treated 80 acres with Diquat in May and June and little regrowth was seen. Their primary target was fanwort (*Cabomba caroliniana*), which was held in check and was only seen in the northernmost coves. A second treatment was not done.

Mr. Lennon passed out a diagram showing the 2013 proposed treatment areas and spoke of their proactive approach planned. No survey work is being done downstream. Prior to treatment, the water level will be lowered to retard outflow following treatment. A pelletized version of fluridone (Sonar One), which is very water soluble, is proposed. They are looking into the use of flumioxazin, which will soon be approved by DAR, but needs to be written into the GEIR.

If Diquat is used, they will follow the same water quality testing as before; testing will be done before, during and after treatment. The Reservoir is up six inches since December, following a time when it had been quite low (down 3.5 feet).

2 Truax Lane, Request for Determination

Information Reviewed: RFD received 2/6/13

Bob opened the hearing by reading the legal notice, as posted in the Sun Chronicle. Applicant Phillip Costa was present and described his project. He proposes to install an in ground pool on an area that is currently lawn, surrounded by a fence. No trees will be cut down to install the pool. They will access the property through a gate. A stream is 25 feet +/- beyond the fence.

Motion was made by Judi Johnson to issue a Negative Determination (checking #3 and #6) for 2 Truax Lane; seconded by James Marsh. **Vote: 5:0:0**

10 East Belcher Road, Notice of Intent, DEP #157-510

Information Reviewed: NOI received 2/11/13

Bob opened the hearing by reading the legal notice, as posted in the Sun Chronicle. Applicant, Rich Touzos, and his representative, Rob Truax of GLM Engineering, attended the meeting.

Mr. Truax described the proposed project, which includes the construction of a third ice skating rink and parking area expansion. The Applicant has purchased 4 Spring Brook Road and will remove the building and septic system to accommodate the expansion of the rink. They propose to modify the wet basin on the property (which handles the water from the Spring Brook subdivision) to accept the water from the existing building and parking lot area.

On the main site, they propose to install a bio retention area and underground detention storage area consisting of a 72" wide corrugated metal perforated pipe surrounded by crushed stone. Jane suggested a security measure to keep the adventurous out of the 6 foot perforated corrugated stormwater pipes. All stormwater will discharge to the basin, then overflow to the underground pipe system. There will be a pretreatment Stormceptor, before the detention basin, then clean water, will go to the underground system. Clean roof runoff will also go into the underground system.

They will mitigate increased runoff at the new lot (4 Spring Brook) with a rain garden and grass swales, which will have underdrains. Stormwater will discharge to the underground system and overflow into the site's large detention basin. The project's stormwater calculations will reviewed by the Planning Board's third party consultant. Mr. Truax was asked to give the Commission a square foot break down of pervious vs. impervious areas for the site for both pre-construction and post construction conditions.

Snow will be placed on the grassed area or in swales, not in the rain garden; they trucked snow off the property after the last storm. The maintenance plan is included in their drainage report; maintenance will be performed every spring.

The rain garden, drainage system and new parking lot will be built prior to construction of the new foundation on the main parcel. Some trees will be cleared on the new lot, prior to construction, and silt sock and fence are proposed for siltation control. They do not propose to bring in any fill and do not anticipate the need for blasting.

They will use a temporary entrance off Spring Brook Road during construction. The final layout will have access from both East Belcher Road and Spring Brook Road. The new rink needs to be built by September, prior to the start of the hockey season.

Motion was made by Eric Nelson to continue the hearing for 10 East Belcher Road for two weeks to March 11; seconded by Valerie Marshall. **Vote: 5:0:0**

Review of Enforcement Order for East Belcher Road Compost Facility

Jane presented a draft Enforcement Order with Findings of Fact and restoration requirements for the unpermitted work at the East Belcher Compost facility for the Commission's review. The Order, which would be issued to Bob Swanson, would require a restoration plan and any work beyond what was originally approved would require a Notice of Intent. The compost area could still be opened to the public.

The extent of the filling needs to be determined. If it is 5,000 s.f. or more the Army Corps of Engineers must be notified. Jane stated that the plan presented by Bay Colony shows mitigation but that work was never done. Jane presented a draft response letter to Mr. Buckley noting the Commission's disagreement with his cover letter that accompanied the plan.

Jim recommended requiring delineation. They would need a wetlands consultant. The Commission discussed using aerial photo interpretation to determine how much filling was done. The site

conditions prior to the filling need to be determined, including the size of the wetlands, to determine how to remedy the non-compliance. The first step is to determine the extent of the fill. A Notice of Intent must be filed to use any area other than what was originally approved. Filled wetlands must be restored.

Enforcement Order to cite Wetlands Enforcement Manual page 8-3 and the Commission will use their Discretionary Authority in their findings, noting for the record that this is a case specific determination to use an Enforcement Order/Restoration Order, since the site's wetlands (prior to being filled) were low quality since they had been previously disturbed and degraded. Judi and Val will review the Order and it will be discussed further at the next meeting.

Open Space and Recreation Plan

Jane announced that the plan has been approved by the State and asked Commissioners if they would all like copies.

Meeting Adjourned

Motion was made by Valerie Marshall to adjourn; seconded by Eric Nelson. **Vote: 5-0-0**

The meeting adjourned at 10:12 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Lee Ann Tavares: 4/16/13

Reviewed by Jane S. Pierce: 5/09/13, rev. 5/16/13

Approved by Commission: 5/20/13

Documents, Not Referenced Above, Reviewed During Meeting

Attached Documents:

1. Agenda, February 25, 2013
2. Meeting Sign In Sheet

Location of Other Documents:

3. Manager's Report, filed in Manager's Report binder in Conservation Commission's office.
4. Referenced projects' documents: please see Conservation Commission's project files